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PRACTICE IN PERSONAL ACTIONS IN THE COURTS OF MASSACHUSETTS.

By Sidney Perley. Boston: George B. Reed. 1902. pp. xlix, 728. 8vo.

Recognizing the special opportunity, created by the appearance of the Revised Laws of Massachusetts, for a new publication on the practice in the courts of this commonwealth, Mr. Perley has sought to supply the legal profession with a work which should in all respects be up to date. The mere fact that whenever a statute is quoted or mentioned the reference is to the late revision, would in itself be sufficient to give the book a value which no work of former years possesses; but in addition to this advantage there is the further one that the author has been able at various points to make his work more nearly complete for present purposes than earlier publications, by reason of the late decisions. That he has not more fully availed himself of these recent cases is however to be deplored. For instance, under the heading of "Interrogatories" he tells us that the president or some other officer of a corporation may be examined as if he were a party, and he gives the citation of the statute which so provides. But he cites no case, and does not amplify the subject. Yet the case of *Gunn v. N. Y., N. H. & H. R. R.*, 171 Mass. 417, which is cited in the Revised Laws, decides that when an officer of a corporation is interrogated as to matters concerning the corporation of which he has no personal knowledge, he may be required to ascertain the facts and answer the questions. Certainly this is a considerable amplification of the bare words of the statute, and a decision of enough importance to deserve a place in a treatise on practice. Such an omission seems a distinct neglect of opportunity and is a very real defect in a new book. Apart from such omissions, however, the work must prove decidedly useful. As is usual in books of this character, necessary or conventional forms for writs, pleadings, and other papers which might be needed in the prosecution of an action are inserted at the appropriate places, and the rules of the courts are given at length.

The arrangement of the material comprised within the work is logical and convenient; it indicates the order of the proceedings and their mutual relations, and brings out clearly their bearing on the final result. The author deals first with the courts, their jurisdictions, their rules, and their officers, and then discusses, separately and carefully, the various possible steps that may be taken in an action, from its very beginning to its completion. Altogether the volume contains, in compact form, a large amount of practical information for use in the every-day business of a lawyer.

R. A. J.

IRRIGATION INSTITUTIONS. A Discussion of the Economic and Legal Questions Created by the Growth of Irrigated Agriculture in the West. By Elwood Mead. New York: The MacMillan Company. 1903. pp. xi, 392. 12mo.

This is the latest addition to the Citizens' Library of Economics, Politics and Sociology, edited by Professor Richard T. Ely, an excellent series of popular treatises upon some of the important questions of the day. The present work deals with the problems and difficulties of systematic irrigation, which is such a vital matter in the arid regions of our country, and discusses the subject from the historical, economic and legal points of view. The legal aspect of the question is particularly emphasized; for the peculiar conditions prevailing where irrigation is necessary have greatly affected the law of water rights. In several of the western states the common law doctrine of riparian rights has been entirely abrogated and the doctrine of priority of appropriation substituted. In others these two conflicting doctrines persist to a certain extent side by side. In either case many legal tangles occur. Matters are still further complicated, where rivers flow through more than one state, by most important questions of interstate rights. The author's clear statement of the legal situation and of the steps taken by the different states towards the solution of some of the difficulties incident to it, makes the book, though not distinctively of a legal

character, of considerable interest and importance to the student of this branch of the law. Then too the history of irrigation, and the administrative and economic problems involved in its development are thoroughly treated, with especial reference to conditions existing in each of the states concerned. Many reforms are suggested by the author as being necessary for the full perfection of the system. The book is certainly a comprehensive survey of the institutions and problems of irrigation, and will prove an excellent source of information for any who are interested in the subject.

W. H. H.

BRITISH RULE AND JURISDICTION BEYOND THE SEAS. By the late Sir Henry Jenkyns. Preface by Sir Courtenay Ilbert. Oxford: Clarendon Press. 1902. pp. xxiii, 300. 8vo.

To the general reader the preface may prove the most interesting part of this book. Sir Courtenay Ilbert and others here give their impressions of Sir Henry Jenkyns, and of his work in the office of Parliamentary Counsel to the Treasury, which he held for many years. One hardly knows of another book where the duties of the Parliamentary Counsel, and his place in the English legislation of to-day, are suggested better than here. To Americans this preface is peculiarly instructive.

The main part of the book deals with the jurisdiction actually exercised by the United Kingdom beyond the territorial limits of Great Britain and Ireland; the means by which such jurisdiction is exercised; and, to some extent, the constitutional theories on which the jurisdiction is based. Taking up the various kinds of British dependencies, and discussing consular jurisdiction and the extraterritorial jurisdiction of British courts, the author states concisely, and very carefully, the limits of the jurisdiction in fact now existing. The references to English statutes are exceedingly numerous. The work has apparently been prepared with great thoroughness, and cannot fail to be of value to the student of government.

J. B. S.

A TREATISE ON THE LAW OF PRIVATE CORPORATIONS. By Henry Osborn Taylor. Fifth edition. New York: The Banks Law Publishing Co. 1902. pp. xiii, 969. 8vo.

The changes in the present edition of this standard work are not very numerous nor very sweeping, the principal one being the addition of some eight hundred recent adjudications by way of citation, together with such modifications of the text as seemed necessary to make it conform to the present state of the law. There has been added also a brief discussion of the so-called "Securities Companies," — necessarily, perhaps, somewhat inadequate because of the absence of decisions on the important question of their legality. But the most striking feature of Mr. Taylor's work, in this as in former editions, is his frank rejection of the doctrine that corporations are distinct entities — legal *personæ*, — a doctrine supposedly established among the fundamental conceptions of the law. "Corporation" in Mr. Taylor's terminology has a double signification: on the one hand it may mean "the sum of legal relations subsisting in respect to the corporate enterprise"; on the other it is used to designate "the body of individuals in whom and their appointees are vested the corporate powers." The second meaning obviously accords with the popular notion; the former is Mr. Taylor's substitute for the "legal entity" theory. His conception avoids certain theoretical difficulties raised by the "entity" theory, as, for example, the question whether corporations may properly sue on stock subscriptions made before incorporation, and questions arising out of "double incorporation"; on the other hand it seems not to square so well with the diverse citizenship rule of the United States courts, and it involves difficulties in the matter of title to corporate property. Inasmuch, however, as the exponents of the two oppos-